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REPORT

OF THE

Penitentiary Commissioners,

FOR THE

QUARTER ENDING

MAY 31, 1865.

SALEM, OREGON:
HENRY L. PITTOCK, STATE PRINTER.
1865.

REPORT

OF THE

PENITENTIARY COMMISSIONERS.

PORTLAND, Nov. 30, 1865.

To his Excellency, Addison C. Gibbs,
Governor of the State of Oregon:

SIR, we herewith transmit, through you, our report to the Legislative Assembly of our doings as Commissioners to locate suitable grounds for Penitentiary and Insane Asylum, &c.

A C. R. SHAW,
J. H. MOORES,
Commissioners.

To the Legislative Assembly of the State of Oregon:

The undersigned, Commissioners to locate suitable grounds for a Penitentiary and Insane Asylum, &c., would respectfully report to your honorable bodies, that they have selected and purchased one hundred and forty-seven acres of land from Morgan L. Savage, the same being situated about one mile and a quarter east of the city of Salem and on each side of Mill creek; also the right to all the water power created or that may be created by the Willamette Woolen Manufacturing Co. by the introduction of the water of the Santiam river into Mill creek there—being a fall of at least sixteen feet within the limits secured by your Commissioners from the said Company. When this water power is properly improved there will be much more than necessary for the use of the Penitentiary, the surplus will be so situated that there is scarce a doubt but that quite a revenue for the State may be realized from leasing of the same. There is ground lying along the creek that is so situated that it cannot be conveniently used in connection with the Penitentiary or the Insane Asylum, yet lies

within the boundaries of the purchase. The quantity is small, but sufficient for sites whereon the surplus water may be used and much valuable machinery propelled.

Your commissioners felt that they would not have done their duty to the people of the State, who, through your honorable bodies, intrusted them with such an important commission, without urging upon you and upon all future Legislative Assemblies, the importance of this surplus water power; there can be no doubt but that quite a fund may be realized, if it is wisely managed, by leasing. They would respectfully suggest the setting of all such funds apart for assisting in the maintenance of the Insane Asylum.

For particulars of our doings and the expenses we have incurred, we would respectfully refer you to our report to the Hon. S. E. May, Secretary of State, for the quarter ending May 31, 1865; it will be found in the appendix hereto annexed, marked A.

Believing it important to the proper discharging of our duties that we should have information concerning the prisons of older States, such as could be obtained in no other way but through some person that properly understands the necessities and resources of our State, we conceive ourselves and the State quite fortunate in securing the services of our estimable fellow citizen, Rev. G. H. Atkinson, as Commissioner, who was going East, and kindly offered to visit the Eastern State prisons, the remuneration to be his nominal traveling expenses while performing duty as Commissioner. Our letter of instruction to Mr. Atkinson will be found in the appendix, marked B. Already we have obtained, through his agency, much important information and many valuable plans and drawings. He is daily expected home, when he will make his final report; if submitted in time, it will be found in the appendix, marked C.

Your Commissioners proposed building the temporary prison last Spring, in accordance with the intentions of the Legislature at the time of the passage of the act, but upon advertising for proposals to construct the same, they were informed that from the failure of some of the counties to pay their quota of taxes, there would not be funds sufficient in the State Treasury to settle the bills at the time they were likely to be audited, and not wishing to make contracts only on a cash basis, the matter was postponed until such time as the necessary funds could be obtained.

Respectfully yours,

A. C. R. SHAW,
J. H. MOORES,
Commissioners.

A

To Hon. S. E. May, Secretary of State of the State of Oregon:

SIR, in compliance with the requirements of the law creating Commissioners to locate grounds for a Penitentiary and Insane Asylum, we would respectfully submit the following report for the quarter ending May 31, 1865.

The undersigned, two of the Commissioners, met at Salem and qualified Jan. 10, 1865, and proceeded to make examinations of different sites, in that vicinity, for the location of grounds for said buildings.

Having been employed only in preliminary examinations and surveys during a part of the months of January and February, we did not think it advisable to make a report at the end of the February quarter.

Early in March, we concluded a contract with Morgan L. Savage, for one hundred and forty-seven acres of land, situated and lying on both sides of Mill creek, about one and a quarter miles east of the city of Salem, at the price of forty-five dollars per acre; and of said Savage and the Willamette Woolen Manufacturing Co., for the right of the water power of Mill Creek, and of all water power created by said Company by the turning of the water of the Santiam river into said Mill creek, where the same runs through the lands of said Savage and Frederick Yank, for the sum of two thousand dollars.

The following vouchers have been issued for the purpose set forth below:

DATE OF VOUCHER.	TO WHOM ISSUED.	NO.	VALUE.
Jan. 31, 1865	J. H. Moores	1	$50 00
" "	S. & I. Durbin	2	11 50
March 10 "	C. S Woodward	3	38 50
" 27 "	Morgan L Savage	4	8615 00
" 31 "	E. M. Burton	5	40 00
April 4, "	Penitentiary Commissioners	6	200 00
" 17, "	Mitchell & Dolph	7	10 00
" 24, "	A. G Walling	8	15 00
" 24, "	J. L. Parrish	9	12 50
May 26, "	Oregon Statesman	10	20 00
" "	George A. Edes	11	6 75
Total			$9019 25

The objects for which the expenditures have been made are as follows:

Land	$6615 00
Water power	2000 00
Agent to visit eastern prisons and report plans, etc	200 00
Drafting plan for temporary buildings	40 00
Pay of Commissioners	40 00
Horse hire while Commissioners were examining for location	21 50
Surveyors and chain men	38 50
Stationery and printing	27 50
Advertising for contracts	20 00
Fees for drafting deeds	10 00
Recording deeds	6 75
Total	$9019 25

A. C. R. SHAW,
J. H. MOORES,
Commissioners.

B

SALEM, OREGON, April 7, 1865.

REV. G. H. ATKINSON:

DEAR SIR—Your note of the 29th ult., written upon the suggestion of Mr. Shaw, in regard to your visiting penitentiaries at the east, we have had under consideration, and heartily approve of the measure therein proposed, and shall avail oursèlves of the opportunity, so happily offered by your visit to the Eastern States, to procure what we have no doubt will be of great value to us as Commissioners, situated, as we are, far from all our older States. A personal examination, by the Commissioners, of such institutions as might be considered models, would be impossible. We are therefore pleased that the mission can be entrusted to one in whose judgment we have great confidence.

Mr. Shaw informs us that, at an expense of about two hundred dollars ($200) you propose to visit several of the western penitentiaries, such as we suppose are constructed and managed on the most approved system. We have accordingly drawn on the State Treasurer for that sum, which (less the charge for exchange) we send you enclosed.

The penitentiaries of Michigan, Ohio, Indiana, Illinois and Iowa, and perhaps Wisconsin, being of more recent construction than those of most of the Eastern States, have no doubt been built so as to embody such advantages and improvements, and displace such errors and mistakes as have from time to time become apparent in the older institutions of the country. You will, therefore, visit those mentioned, (unless you can satisfy yourself that it is unnecessary to see all of them) and report to us the result of your observations in regard to the grounds, enclosures and buildings, including offices, workshops, cells, material and manner of construction, &c.

These are the points on which we at present are most desirous of information; but we need none the less information in regard to the management of the convicts, the course of treatment to which they are subjected, the business, trades, occupations, &c., in which they are employed. All these questions it might be necessary for us to consider in arranging our plan for improvements on the grounds.

It may be best to say, for your information, that the grounds

purchased for the purpose contain an excellent and never-failing water power.

It may be thought best to have our prison so constructed that we may, from time to time, make additions to it as the necessities of the State may require. For instance, we may wish, for the present, to complete one large enough to confine from 75 to 100 convicts, and then in the course of time should it be filled, that additional room could be added without marring the design of the structure, as a whole.

It is not expected that you will confine yourself to an examination of the prisons mentioned above, or that you will visit all of them, unless you should think it best to do so; but that you will make an examination of such others as may fall in your way, or from which you might derive useful knowledge.

In the course of your examinations, it may be necessary for you to procure the services of architects for the purpose of drafting outlines, or performing other work which you might think of interest to us, and whatever necessary expense would thereby be incurred, we should expect to see paid.

This is a commission, the details of which, in a great measure, we shall leave to your good sense, and of course it will not be expected that expenses necessarily incurred by yourself, or in the employment of others, will be met by you without remuneration. Do us the favor to correspond with us from time to time. Send us documents, reports, &c., bearing on the question, such as you think may be useful.

Hoping your trip to the East may be a pleasant one. and your prison tour successful, and that as the result we may be able to construct such an institution as may be of value to the State,

We are, very respectfully yours,

A. C. R. SHAW,
J. H. MOORES,
Penitentiary Commissioners.

C

PORTLAND, OREGON, Dec. 1st, 1865.

HON. A. C. R. SHAW,
J. H. MOORES,
Commissioners of Penitentiary.

GENTLEMEN—Arriving home only a few hours since, your report being already in press, I have not time to prepare a *complete* report of the commission, which you entrusted to me on behalf of our State. Such a report can be made only on a careful examination of the various documents and plans, forwarded to you during the past Summer, and a collation of the facts which they embody.

I herewith enclose a brief account of my visits to the different prisons, and the general conclusions to which I have arrived. The details must be omitted for the most part, and several grave questions, upon the whole subject of the construction and management of prisons, which present themselves to the visitor and magnify with every inspection, must also be left for the present in abeyance.

My first visit was to the Massachusetts State Prison, at Charlestown. Hon. Gideon Haines, the warden, received me courteously and conducted me through all the departments of the prison, explaining both the principles of the discipline and their operation, and especially calling my attention to the structure of the walls, prison cells, guard room, kitchen, hospital, work shops, bathing rooms, watch tower, gates, and many of the details, besides the observation of the prisoners themselves. Mr. Haines also gave many important facts concerning the reformatory power of what may be styled the industrial department of this Penitentiary, as it may properly be called. I was also introduced by him to Mr. Bryant, the architect of the improved part of the structure, who, with Rev. Louis Dwyght, Secretary of the Prison Aid Society, had made the subject a study for years, and who had endeavored to combine most human and reformatory principles with a most perfect retention and control of the criminal during his term of sen-

tence. The prison as it now stands and as it is now conducted, is a good illustration not only of the success of their effort, but but also of the humane and liberal legislation of the State.

With the knowledge acquired by successive visits to Charlestown, I visited the New Hampshire Prison, at Concord; the latest built New York prison, at Dannemora, Clinton Co., and also the prison at Auburn; the Ohio prison, at Columbus; the the Illinois prison, now nearly completed, at Joliet; the Iowa prison, at Fort Madison; the Indiana prison, in process of construction, at Michigan City; the Michigan prison, at Jackson; the Boston City Jail; and a new jail at Auburn, Maine. It was my purpose to visit the prisons of Pennsylvania, at Philadelphia, and Alleghany City, and also the Maryland prison, at Baltimore, but my opportunities of inquiry respecting these, and others not visited, with the limited time at command, led me to omit these more extended visits, although I deemed it desirable, especially to see the prisons of Pennsylvania, since they are both constructed and conducted on what is termed the "solitary principle," or plan of solitary confinement. I have also, recently, visited the California prison, at San Quentin, and the San Francisco county jail, both of which have some features of interest.

In all the places above named, I received very courteous treatment from the wardens, keepers, physicians, chaplains, clerks and guards; and all facts, statistics, and annual reports, which they had at ready command. These were forwarded to you at once, with my observations and suggestions, as they occurred at the moment on the spot.

I received several important outline plans from architects themselves, also bids for working plans, at much lower rates than they were receiving for public buildings in their own States.

I should here ascribe my courteous reception, as I think justly, to your very cordial and full letter of commission, and the letter of introduction from Gov. Gibbs, representing the interests of Oregon in the matter, for both of which I have felt especially grateful.

My observations and study of the subject thus far have led me to the following general conclusions:

First—That the structure and discipline of prisons have received more attention and have been carried to far greater perfection in some of the older States, for example Massachusetts, than in the new States of the West; and that our best plans and most accurate and thorough information must still come from there. I found this to be the impression of prison officers at the West.

Second—It is evident that much remains to be done, both in

re-constructing old prisons—and *some new ones*,—and also in securing a consistent, safe and humane care of prisoners. Prison Aid Societies, in several States, are investigating the subject—especially one in New York—and by various publications, facts and arguments, they are enlightening the public mind and preparing the way for wiser legislation, as well as a better application of existing laws. The results are seen in better jails and prisons, safer, more cleanly, more comfortable, more healthful, with a more kindly treatment of the inmates. The results are seen also in greater and successful efforts to protect unjust imprisonment by the courts; a more careful discrimination of crimes and with a juster award of penalties; and more strenuous exertion to reform criminals, and restore men from the dominion of their passions and vices, to habits of industry, self control and self respect, and thus again to good citizenship.

Third—It is further evident, that the system of contracting the labor of the prisoners, although *almost universal*, and *almost necessary* to their *economical* management, and to their *habits* of labor, yet seriously interferes with their best discipline. The contractor is often found better acquainted with the prison and its inmates than the officers themselves. He is a daily visitor for the five or ten years of his contract, while the warden and other officers change with every political change in the State. The contractor's interests being pecuniary, often clash with the higher welfare of the prisoners.

Massachusetts forms almost a single exception to this rule of changes; Mr. Haines has been seventeen years the Warden at Charlestown; the Chaplain has been in office fourteen years; the Clerk has been eleven years at his desk. Officials remain there during good behavior, and thus they become well qualified for their duties, and the best results follow to the State and to the unfortunate men under their control and care. It is found to be a great evil to remove men from these stations for partisan purposes. It is a costly, disparaging and altogether injurious practice.

Fourth—The observer soon finds that the structure of a prison, its walls, buildings, cells, rooms, yards, workshops and motive power, *must correspond* with the discipline which is proposed to be carried out; that a unity of purpose must characterize the building material, its enclosure and grounds, and that the *latter idea must precede and control the former*. The question must therefore be clearly stated. For what is a prison made? Is it simply to confine criminals and prevent their escape? Is it to secure the largest possible income from their labor? Or, is it to restrain their liberty; exact their subjection to wholesome

rules; train them to habits of industry and self restraint, and compel them to feel the ever present majesty of law, and the as ever present influence of mercy, and thus either to redeem them from their state of outlawry, or impress them, if incorrigible, with the fact that they only are their own enemies? If our object is simply to confine criminals, a prison need only be a solid pile of stone walls with iron gratings—a mere cage. If our object is to profit most by their toil and skill, a prison becomes a good system of workshops, with numerous guards. But if our aim is security and discipline, in the broadest and best sense, then a prison ought to have the strength of stone and iron, constructed according to the rules of fitting architecture, with outer walls of such height and strength that few visible guards will be necessary, enclosing an ample area of grounds for all workshops, materials and general wants of the large company, who may be expected from time to time to occupy them.

Fifth—According to the best judgment, to which I had access, the prison at Charlestown, Massachusetts, approaches nearest such a model, in its structure and management.

Its grounds are, however, very limited, much to the regret of the officers and of all humane persons

I submit herewith plans and front views, drawn for the State of Maine, and of the prison at Baltimore, Md., similar in design, yet on a larger scale. There will be needed a central building or rotunda, and one wing for prisoners and one for officers, with workshops in the yard as needed, one or more; should this plan be accepted, other wings could be added, as required.

With these suggestions, necessarily brief in such a summary, I submit the report, hoping that you will find it of some value in carrying out the wishes of the State.

Yours respectfully,

G. H. ATKINSON.